

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

<p>The Cleveland Museum of Art,</p> <p><i>Plaintiff,</i></p> <p>v.</p> <p>Alvin Bragg, in his official capacity as the District Attorney of New York County, New York,</p> <p><i>Defendant.</i></p>	<p>Case No. 1:23-cv-02048</p> <p>Judge Charles Esque Fleming</p>
<p>DEFENDANT ALVIN BRAGG’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF’S COMPLAINT THROUGH JANUARY 17, 2025</p>	

Defendant Alvin Bragg, in his official capacity, respectfully moves the Court to establish January 17, 2025, as the deadline for him to answer or otherwise respond to the Complaint, While the parties continue to make progress in substantive case discussions, additional time is needed to complete scientific testing Plaintiff Cleveland Museum of Art has requested. For that reason, this motion is unopposed.

The Court granted Defendant’s previous request for an extension on November 13, 2023, allowing the District Attorney sufficient time to assemble his legal team, and set February 12, 2024, as his deadline to answer. To allow for continued discussions, the Court later extended this deadline to June 17, 2024, and then to September 17, 2024.

Since the Court granted the latest request for extension, representatives of the Museum, the Manhattan District Attorney’s Office, Homeland Security Investigations (“HSI”), and Turkish authorities have arranged for forensic examination and testing in this matter. This has included comprehensive in-person physical examination, photographing, lidar scanning, and 3D imaging

by the Musuem, the District Attorney's office, HSI, and Turkish authorities of the statue in the Cleveland Museum of Art as well as of the relevant pedestals in the Sebasteion [ancient temple] at Bubon in Türkiye.

One of the purposes of the forensic examination at the temple at Bubon was to determine if the pedestals remaining at the site contained sufficient lead for lead isotope analysis comparing the lead on the statue at issue to the remaining lead on the pedestals. On June 26, 2024, the Museum expert's examination concluded that the pedestals contained sufficient lead to at least attempt the analysis.

But because such testing necessarily involves chiseling small samples from the pedestal, which under Turkish law constitutes a historical monument, a formal request for the testing must be made to multiple ministries and approved at the highest levels. Because of the time required to get the necessary approvals and based on the availability of the defense expert to return to Türkiye, the earliest this sampling could occur is late October 2024. Thereafter, the samples must be exported to Germany to conduct the analysis and comparison.

The parties have agreed that a further extension is necessary in both this case and the ongoing criminal proceedings regarding the pending seizure order in New York to complete the scientific testing the Museum has requested.

Neither party nor this Court will be inconvenienced or prejudiced by the requested extension, which is not being sought for purposes of delay but rather to ensure that important issues receive the attention they deserve.

Defendant Bragg thus respectfully requests until January 17, 2025, to answer or otherwise respond to the Complaint. Again, this motion is unopposed.

Dated: September 5, 2024

/s/ Subodh Chandra

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/s/ Per consent

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